



Driving-Under-the-Influence Advisory Group Meeting
Minutes
March 15, 2011

Advisory Group Members in Attendance

Michael Cunningham
Steve Bloch
Tammy DuTemple
Maleah Novak
Lori Sanjuan
Luly Vidal

Millicent Gomes
Linda Bridgeman-Smith
Teri R. Kerns
Brett O'Brien
Calude Scheiner
Jane Wise

Patrick Barrett
Georgi Distefano
Luky Maldonado
Patrice Rogers
Linda Morris
Patrick Zarate

Welcome

Millicent Gomes commenced the Driving-Under-the-Influence (DUI) Advisory Group Meeting to order and introduced Department of Alcohol and Drug Programs (ADP) Acting Director Michael Cunningham. Michael is excited for the newly formed group and the diverse representation of DUI programs in California. Michael offered appreciation for commitment to serve on the advisory group and looked forward to the dialogue and the information the group can bring to ADP's attention.

Millicent welcomed the group and stated that the mission of ADP's DUI advisory committee is to review the design and functional components of the current California DUI system, with the purpose of making specific recommendations for modifying and enhancing the design and flexibility of the statewide system. The group also determines the agents and requirements for change, i.e., legislative, regulatory, or simple consensus and to serve as an advisory function to ADP with regard to language and potential impact of regulatory changes.

DUI's are a public safety problem. Nationally in 2009:

- 33,308 people were killed in traffic crashes. 10,839 (32%) of these fatalities were a result of alcohol.
- Approximately 254, 000 people suffered injuries in alcohol-related collisions.
- In 2009, 181 children, age 14 and younger, died in crashes involving alcohol.
- Over 1.44 million drivers were arrested for driving under the influence of alcohol or narcotics.

In California:

- In 2008, 3434 people in California were killed in traffic crashes. 1,355 (39%) of these fatalities were a result of alcohol and/or other drugs.
- In 2008 there were a total of 214,811 DUI arrests.
- During Fiscal Year 2009-2010, 154,834 people were enrolled in a California licensed DUI program.
- The proportion of DUI arrests under age 21 has increased 12.6 percent from 1998 to 2008.

ADP is excited about working with each and every group member and is looking forward to help in providing recommendations to the Department. The advisory group members are the subject matter experts in the field who face the day-to-day challenges and can help ADP make the necessary changes to become more effective and efficient.

Regulations

On February 25, 2011, ADP released the proposed DUI regulations for public comment. A public hearing has not been scheduled, however, the board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 14 days before the close of the comment period.

The written comment period will close on April 11, 2011 at 5:00p.m. For any comments to be considered by ADP, they must be submitted in writing to ADP's Regulation Coordinator.

The rulemaking will modify existing regulations concerning DUI programs, their administration and procedures for enrollees and providers. Current regulations do not provide for the term Multiple Offender and they are not as specific regarding the counselor duties versus the duties for the administration of DUI programs. The regulations will be updated to be consistent with the statutes in the Health and Safety Code and changes in 2007 to the Vehicle Code.

The proposed regulations contains language indicating an increase in program services from six months to nine months for participants ordered by the court to participate in a DUI program pursuant to Assembly Bill 1353 (Chapter 164, Statutes of 2005). Significant portions were supported by the former DUI Advisory Workgroup, which was composed of licensed providers of DUI program services, County alcohol and drug program administrators, the Department of Motor Vehicles, and other interested parties.

Alcohol and Other Drug Policy Institute

The Alcohol and Other Drug Policy Institute (ADPI) works to advance the AOD field in California through the creation and dissemination of knowledge regarding alcohol and

other drug problems and culturally competent approaches to their treatment and prevention. They are a free resource to licensed providers through ADP.

Advisory group would like ADPI's contact information to be distributed to all licensed providers to notify them of the service they can provide. Lori Sanjuan expressed concern regarding bi-lingual counselors not able to get certified because they cannot pass the exam.

Patrick Barrett – Department of Motor Vehicles (DMV) update

There is a new electronic process of certifications that has been working well. Also DMV has been working with legislation that would affect DUI field. Passage of Senate Bill (SB) 1388 (chapter 404, Statutes of 2008, Assembly Bill (AB) 91 (Chapter 217, Statutes of 2009) and Senate Bill 598 (Chapter 193, Statutes of 2009) implements changes in the California Ignition Interlock Device Program and are being combined into one rulemaking file. SB 1388 requires DMV to notify the convicted person of his or her requirement to have an ignition interlock device (IID) installed in their vehicle. The DMV will also be allowed to charge an administrative fee sufficient to offset the costs of administering the department ordered IID program. Participants will be required to install an IID within thirty days of the mail date of DMV's notice by an authorized IID installer and verification of the installation to be submitted to DMV on a prescribed 'Verification of Installation' form. Participants are required to return the vehicle at least once every sixty days for the installer to ensure the IID is operating properly and check for signs of tampering, attempts at removing, or bypassing the IID.

AB 91 implements Vehicle Code section 23700, which requires the DMV to establish a pilot program in Alameda, Los Angeles, Sacramento, and Tulare counties, whereby, as a condition of being issued or reissued a driver license, a driver convicted of certain driving under the influence provisions is required to have an IID installed in his or her vehicle for a specified period of time.

In addition to requiring DMV to notify drivers of IID installation and monitoring requirements, AB 91 requires IID manufactures and manufacturer's agents to adopt a reduced fee schedule, based on a person's ability to pay proportionate with that person's income relative to the federal poverty level, for payment of IID costs.

IID manufacturers and manufacturer's agents are currently required to adopt fee schedules that provide for the payment of the costs of the IID by applicants equal to the applicant's ability to pay. Under this program, a driver convicted of violating Vehicle Code section 23152 is required to have a certified IID installed in all vehicles owned or operated by the driver for a term as follows:

- First offense – Mandatory term of five months
- Second offense – Mandatory term of twelve months

- Third offense – Mandatory term of twenty-four months
- Fourth and subsequent offense – Mandatory term of thirty-six months

A driver convicted of violating Vehicle Code section 23153 is required to have a certified IID installed in all vehicles owned or operated by the driver for a term as follows:

- First offense – Mandatory term of twelve months
- Second offense – Mandatory term of twenty-four months
- Third offense – Mandatory term of thirty-six months
- Fourth and subsequent offense – Mandatory term of forty-eight months

Provisions of AB91 require drivers to adhere to IID monitoring requirements similar to those established in current IID regulations and provide for exclusions similar to those permitted by SB 1388.

Many DUI offenders believe that they can wait out the DMV IID requirements. (i.e. If they are required to have the IID for five months the offender attempts to wait the five months without complying with the IID requirement and tries to reinstate his/her driver's license. The driver's license will not be cleared without fulfilling the IID requirements.) DMV providers should disseminate the information to the offenders to ensure they comply. Because the DMV has very low compliance they are unable to determine the reduction of recidivism at this time. DMV is conducting a study due to end at the end of 2015 on the effectiveness of the IID.

AB 1601 amends the Vehicle Code to allow the courts to permanently revoke the driver's license of any person who has three or more violations of driving-under the influence (DUI). Additionally, this would amend timeframes that DMV has established for determining sanctions for repeat DUI violations. This bill would allow DMV to review an individual's entire driving history instead of reviewing driving records from the prior ten years as they currently do.

Senate Bill (SB) 780 would amend the vehicle code to eliminate the timeframes the Department of Motor Vehicles (DMV) has established for determining sanctions for repeat DUI violations. DMV currently reviews individuals' driving record for the prior 10 years. This legislation proposes allowing DMV to review individuals' entire driving history when determining sanctions for DUI violations. Consequently, there will be more third and subsequent offenders sentenced to imprisonment. Additionally, this bill would amend the vehicle code to include enhanced imprisonment to any individual that flees the scene of an accident after committing a murder as charged under Penal Code Section 187. Currently, this enhanced penalty of an additional five years imprisonment is limited to those individuals who flee the scene after committing gross vehicular manslaughter or vehicular manslaughter.

Sheldon Zhang, Principal Investigator

San Diego State University, Department of Sociology
DUI Descriptive Study

This study is a descriptive study to see what exactly is being done currently. What are the characteristics and current practices? Sheldon would suggest a major update of ADP's management information systems. The study is an overview of DUI programs in California. This identifies major program activities, curriculum and delivery structures. The study also identifies practices that can be evaluated and promoted as evidence-based best practices as well as gather suggestions to improve state agency's oversight function.

Characteristics of DUI program provider include management personnel, counseling staff composition and clinical supervision.

The curriculum characteristics include:

- Major DUI education components – description of main program activities
- Underlying rationales (i.e., educational focus or underlying theories)
- Delivery mechanisms: Materials/instruments/curricula

Basic evaluation questions

- Enrollment rate (referrals vs. actual participation)
- Completion rate (entries vs. exits)
- Assessment and referral of those with alcohol/drug addiction problems.
- Recidivism (re-offending or return to DUI programs)

Roundtable

The members introduced themselves and identified some areas of interest. The identified topics of interest included:

- Prevention/Intervention of DUI's in the counties to reduce the rate of arrestees.
- Time between arrest and admittance into the programs.
- With Healthcare Reform coming, how will it work with DUI programs when everyone will have access to healthcare in 2014?

Roundtable discussions included concerns the advisory group would like addressed in addition to topics the group would like to focus on. Concerns included: the time between arrest and admittance into the program; Healthcare Reform – where and how does it work with DUI programs; advisory group would like greater prevention efforts;

the obstacles between the courts, clients, and ADP; and the change in the client profile from when DUI first began to current day.

The afternoon brainstorming session allowed for DUI Advisory Group members to bring up topics they are interested in. Advisory group members would like standardized reporting systems. Currently all counties have varying requirements. Members suggested utilizing CalOMS for DUI to track referrals, admissions, etc. It was strongly felt that data must show outcomes, if they do not, the data is just anecdotal. The data requirements need to start with ADP to the counties. Healthcare reform is another topic that is important to the advisory group. When all the clients have health care in 2014, what effect will it have on the programs currently provided?

Other topics of interest included an interest in greater prevention efforts of DUI, standardized audits, mapping of various systems and requirement, assessment based on treatment, cultural competency, and a change in Title 9 regulations.

The advisory group feels there needs to be more representation from the judicial, criminal justice and possibly other groups on the advisory group. ADP will work on getting more representation by reaching out to the DMV, Judicial Council, court probation, and other Judges.

Presentations for future meeting on June 14, 2011

- Update of Health Care Reform by Marjorie McKisson
- Patrice Rogers to do a presentation regarding the State Highway Safety Plan Challenge Area Team 1
- Presentation by Lori Sanjuan and Teri R. Kerns regarding the definition of DUI, what the old advisory group did in the past, and projects that have not been completed.

Meeting adjourned at 2:50